

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 23

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

THANIKAVELU MANIMARAN, G. PATRICK STAHLY and R. CARL HERNDON

Junior Party,<sup>1</sup>

v.

BERNARD J. ARMITAGE and PAUL F. COE

Senior Party.<sup>2</sup>

---

Patent Interference No. 103,983

---

Before URYNOWICZ, SOFOCLEOUS, and DOWNEY, Administrative Patent Judges.

SOFOCLEOUS, Administrative Patent Judge.

---

<sup>1</sup> Application No. 07/960,660, filed October 14, 1992, now U.S. Patent No. 5,248,813, issued September 28, 1993. Assignor to Albermarle Corp., Richmond, VA.

<sup>2</sup> Application No. 08/137,092, filed October 26, 1993. Accorded Benefit of United Kingdom 910342.4, filed May 13, 1991 and 911058.4, filed June 5, 1991. Assignor to Knoll Aktiengesellschaft.

Manimaran et al., the junior party, filed a statutory disclaimer under 35 U.S.C. § 253 deleting claims 1 to 6 and 8 to 16, all of its claims designated as corresponding to the count. Pursuant to 37 CFR § 1.662(c), the disclaimer is treated as a request for adverse judgment. Armitage et al., the senior party, did not seek review of the denial of its preliminary motion under 37 CFR § 1.633(c)(3) to add claim 7 of the party Manimaran et al.'s patent to this interference and the time allowed for seeking such review has expired.

Accordingly, pursuant to the order of September 16, 1998, judgment as to the subject matter of the count in issue is awarded to Bernard J. Armitage and Paul F. Coe, the senior party. On the present record, Maminaran et al., the junior party, are not entitled to a patent containing claims 1 to 6 and 8 to 16 corresponding to the count and Armitage et al., the senior party, are entitled to a patent containing claims 29 to 33 corresponding to the count.

$$\begin{pmatrix} ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \end{pmatrix}$$

clm  
Attorney for Manimaran et. al.:

Interference No. 103,983

John F. Sieberth  
John F. Sieberth & Associates  
2924 Brakley Dr., Ste. A-1  
Baton Rouge, LA 70816

Attorney for Armitage et al.:

Nikaido, Marmelstein, Murray  
& Oram  
Metropolitan Square  
655 Fifteenth St., N.W.  
Ste. 330 - G. St. Lobby  
Washington, DC 20005-5701